

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

IN THE MATTER OF THE APPLICATION)
OF MOBIUS COMMUNICATIONS CO.)
SEEKING DESIGNATION AS AN)
ELIGIBLE TELECOMMUNICATIONS)
CARRIER THAT MAY RECEIVE)
FEDERAL AND STATE UNIVERSAL)
SERVICE SUPPORT)

Application No. C-3480/NUSF-49

**DIRECT TESTIMONY
OF
THERON JENSEN**

Q. PLEASE STATE YOUR NAME AND BUSINESS ADDRESS.

A. My name is Theron Jensen, my business address is 523 Niobrara Avenue, Hemingford,
Nebraska 69348-0246.

Q. BY WHOM AND IN WHAT CAPACITY ARE YOU EMPLOYED?

A. I currently serve as the General Manager of Mobius Communications Company (“Mobius”).
Since 1996, I have also been employed as the General Manager of the Hemingford
Cooperative Telephone Company.

Q. PLEASE DESCRIBE YOUR BACKGROUND AND QUALIFICATIONS.

A. In 1990 I graduated from the Colorado School of Mines with a Bachelor of Science degree
in Mechanical Engineering. After working 5 years as Facilities Engineer for Chevron USA
in New Orleans, I returned to Nebraska to become the General Manager of Hemingford
Cooperative Telephone Company.

1 I have previously served on the Board of Directors of the Nebraska Telephone Association,
2 and I have previously provided testimony to this Commission in dockets addressing universal
3 service fund issues.
4

5 **Q. PLEASE DESCRIBE MOBIUS AND ITS CURRENT AUTHORITY IN NEBRASKA.**

6 Out of its headquarters in Hemingford Mobius seeks to deliver state-of-the-art
7 communications services to the entire Nebraska Panhandle. On January 23, 2001, this
8 Commission granted Mobius' Application No C-2461 and provided Mobius with the
9 authority to operate as an intrastate interexchange carrier of telecommunications services
10 within Nebraska. On August 7, 2001, in Application No. C-2551 the Commission granted
11 Mobius the authority to provide local exchange telecommunications services.
12

13 **Q. ARE YOU FAMILIAR WITH THE REQUIREMENTS FOR ETC AND NETC**
14 **STATUS THAT MOBIUS IS SEEKING IN THIS APPLICATION?**

15 A. Yes. My duties at Mobius include, among other things, monitoring regulatory and legislative
16 developments that may affect the provision of telecommunication services to Nebraska
17 residents, especially those living in the high-cost, rural areas that Mobius serves. In addition,
18 my duties at the Hemingford Cooperative Telephone Company include oversight of that
19 company's receipt and use of federal and state universal service support and compliance with
20 all applicable requirements of the Federal Communications Commission ("FCC") and this
21 Commission.
22

1 As a result, I am familiar with the requirements for eligible telecommunications carrier
2 (“ETC”) and Nebraska eligible telecommunications carrier (“NETC”) designations,
3 including the recently-adopted requirements found in the Commission’s June 28, 2005, Order
4 Adopting Guidelines in Application No. C-3415 (“C-3415 Order”), and Commission Rule
5 and Regulation No. 165. I believe these requirements to be achievable, and I am confident
6 that Mobius satisfies all of the applicable requirements for ETC and NETC designations.
7

8 **Q. DOES MOBIUS MEET ALL OF THE CRITERIA FOR DESIGNATION AS AN**
9 **ETC?**

10 A. Yes. As noted in our initial and amended applications, Mobius is a “telecommunications
11 carrier” as defined by the federal Act. Mobius was authorized by this Commission to provide
12 local exchange telecommunications services throughout the state of Nebraska pursuant to the
13 Commission’s order in Application No. C-2551. Mobius currently provides competitive local
14 exchange services as authorized by its certificate of authority, primarily in Nebraska’s
15 Panhandle region.
16

17 Mobius meets the federal ETC requirements because it provides and will continuously
18 provide the services supported by the federal universal service support mechanisms,
19 primarily through network elements it leases from Qwest. Mobius’ local exchange offering
20 in Nebraska meets the federal criteria outlined in 47 CFR §54.101(a) by offering each of the
21 following services: (a) voice grade access to the public switched network; (b) local usage;
22 © dual-tone multi-frequency signaling or its functional equivalent; (d) single-party service;
23 (e) access to emergency services; (f) access to operator services; (g) access to interexchange

1 services; (h) access to directory assistance; and (I) toll limitation for qualifying low-income
2 customers. As the Commission knows, Qwest has been designated as an ETC and NETC
3 by the Commission for its high-cost Nebraska exchanges, *i.e.*, the very same exchanges
4 Mobius seeks universal service support for.

5
6 In addition, Mobius meets all of the Commission's criteria outlined in the Commission's C-
7 3415 Order and Rule and Regulation No. 165 for designation as an ETC. Among other
8 things, Mobius will advertise the availability of the supported services and charges using
9 media of general distribution. As an exhibit at today's hearing Mobius has offered an
10 advertising plan that generally demonstrates where it intends to advertise its service offering.
11 Because this advertising plan contains confidential and proprietary information with respect
12 to its anticipated plans, Mobius respectfully requests that it be subject to a protective order
13 deemed acceptable to the Commission.

14
15 Moreover, Mobius is capable of and committed to providing service throughout Qwest's
16 Nebraska service territory to any customer making a reasonable request for service. Mobius
17 offers and will continue to offer a local usage plan comparable to any offered by Qwest in
18 Nebraska.

19
20 Given that Mobius leases its network elements from Qwest, Mobius can demonstrate its
21 ability to remain functional in emergency situations through its contractual relationship with
22 Qwest and Qwest's obligations under that agreement. Mobius is committed to satisfy all
23 applicable consumer protection and service quality standards.

1 **Q. DOES MOBIUS MEET ALL OF THE CRITERIA FOR DESIGNATION AS AN**
2 **NETC?**

3 A. Yes. In addition to meeting all of the federal criteria, Mobius also meets the additional
4 criteria established by the Commission for NETC designation. These include the provision
5 of 1+ equal access for long-distance calling, and a standard white page listing.

6
7 In summary, Mobius seeks no deviation from applicable FCC and Commission standards and
8 policies with respect to ETC and NETC status. Mobius' application is consistent with
9 several that have been previously approved by the Commission.

10
11 **Q. HAS MOBIUS SUBMITTED A FIVE-YEAR PLAN AS REQUIRED BY RULE AND**
12 **REGULATION 165?**

13 A. As an exhibit at today's hearing, Mobius has submitted a plan that contains highly
14 confidential information with respect to its anticipated plans and service offering for the next
15 five years. As a result, Mobius respectfully requests that it be subject to a protective order,
16 to be viewed by the Commission, Commission-staff, and the attorneys for the applicant and
17 formal intervenor only.

18
19 The plan submitted by Mobius is appropriate for a CLEC such as Mobius that provides
20 service almost exclusively through network elements it leases from the ILEC.

1 Q. IS MOBIUS' APPLICATION CONSISTENT WITH THE PUBLIC INTEREST,
2 CONVENIENCE AND NECESSITY?

3 A. Yes.
4

5 Q. WHY?

6 A. Approval of this application is consistent with the public interest, convenience and necessity
7 because it will allow Mobius to continue to serve rural markets and smaller communities
8 where the cost of leasing facilities are significant.
9

10 Nebraska is often cited as one of the few states in which local exchange competition has met
11 the expectations of the Telecommunications Act of 1996. While Omaha is often recognized
12 as an extremely competitive market, consumers in other, smaller Qwest exchanges are also
13 benefitting from the existence of competitive carriers such as Mobius. However, as this
14 Commission is well aware, the cost of leasing facilities in Qwest's Zone 2 and Zone 3
15 exchanges is comparatively high. Federal and state universal service support is critical if the
16 residents of high-cost rural markets such as those in the Nebraska Panhandle are to
17 experience the benefits of increased competition.
18

19 Q. DOES THIS CONCLUDE YOUR TESTIMONY?

20 A. Yes.